RULES AND ORDERS UNDER ACT V OF 1908.

CIVIL PROCEDURE.

DECLARING THAT THE EXECUTION OF DECREES IN CERTAIN CASES SHALL BE TRANSFERRED TO THE COLLECTOR.

[a]*Notn. No. 3600, Judicial, dated 24th May 1880, B. G. G., 1880, Pt. I., p. 519.*

In supersession of so much of Government Notification, No. 7320 of 16th December 1878 (published at page 839 of the *Bombay Government Gazette* for 1878) as has not been already superseded by Government Notification No. 499 of 24th January 1880[b] (published at page 96 of the *Bombay Government Gazette* of 1880), and in exercise of the power conferred by Section 320 of the the Code of Civil Procedure, the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to declare that in the districts of Poona, Sholápur, Ahmednagar and Sátára, the execution of decrees ordering the sale of any immoveable property belonging to a person who is an agriculturist within the meaning of the Dekkhan Agriculturists' Relief Act, 1879, which has been specifically mortgaged for the repayment of the debt to which any such decree relates, shall be transferred to the Collector: Provided that nothing herein contained shall be deemed to affect the execution of decrees already legally transferred to the Collector under the Notification hereby superseded.

And in further exercise of the said power, and with like sanction, the Governor of Bombay in Council is pleased to declare that in the districts of Násik, [c]East Khándesh, West Khándesh, Bijápur,[c] Ahmedabad, Kaira, Surat and Broach the execution of decrees shall, in the following cases, be transferred to the Collector, (*viz.*):—

(1) Decrees for money in execution of which a Court has ordered the sale of immoveable property belonging to [d] a person who is an agriculturist within the meaning of the Dekkhan Agriculturists' Relief Act, 1879 [d];

(2) Decrees ordering the sale of immoveable property belonging to any such person in pursuance of a contract specifically affecting the same.

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[a]*Notn. No. 1771, Judicial, dated 16th March 1881, B. G. G., 1881, Pt. I, p. 140.*

In supersession of Notification No. 7733 of 22nd December 1879, published at page 1030 of the *Bombay Government Gazette* of the 25th idem and in exercise of the power conferred by Section 320 of the Code of Civil

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[a] This Notification, issued under Act X of 1877, is kept in force by Act V of 1908, Section 157.

[b] Printed *infra*, page 1007.

[c—c] These words were substituted for the words "Khándesh, Kaládgi," by Govt. Notn. No. 5248, Judicial, dated 20th September 1907, *B. G. G.*, 1907, Pt. I, p. 1627.

[d—d] These words were substituted for the words "any person who earns his livelihood, either wholly or principally by agriculture", by Govt. Notn. mentioned in foot-note [c—c] above.

(2) Decrees ordering the sale of immoveable property belonging to any such person in pursuance of a contract specifically affecting the same.

Belgaum, Dhárwár, Kánara, Ratnágiri and Kolába.

[a]*Notn. No. 8039, Judicial, dated 27th November 1900, B. G. G., 1900, Pt. I, p. 2429.*

In exercise of the power conferred by Section 320 of the Code of Civil Procedure (Act XIV of 1882, as amended by Act VII of 1888), the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to declare that in the Revenue districts of Belgaum, Dhárwár, Kánara, Ratnágiri and Kolába, the execution of decrees shall be transferred to the Collectors of those districts in the following cases, *viz.*:—

(1) Decrees for money in execution of which a Court has ordered the sale of immoveable property belonging to [b] a person who is an agriculturist within the meaning of the Dekkhan Agriculturists' Relief Act, 1879[b]; and

(2) Decrees ordering the sale of immoveable property belonging to any such person in pursuance of a contract specifically affecting the same.

DECLARING THAT IN THE PROVINCE OF SIND THE EXECUTION OF DECREES IN CERTAIN CASES SHALL BE TRANSFERRED TO THE COLLECTOR OF THE DISTRICT.

[a]*Notn. No. 5249, Judicial, dated 20th September 1907, B. G. G., 1907, Pt. I, p. 1627.*

In exercise of the powers conferred by Section 320 of the Code of Civil Procedure, 1882 (XIV of 1882), and in supersession of Government Notification in the Judicial Department, No. 5481, dated the 30th August 1893, the Governor in Council is pleased, with the sanction of the Governor General in Council, to declare that in Sind the execution of decrees ordering the attachment or sale of immoveable property shall be transferred to the Collector of the district in cases where such property belongs to a person who is an agriculturist within the meaning of the Dekkhan Agriculturists' Relief Act, 1879, and has been specifically mortgaged for the repayment of the debt to which the decree relates, and the security still subsists.

RULES FOR THE TRANSMISSION OF CERTAIN DECREES FROM THE COURT TO THE COLLECTOR FOR THEIR EXECUTION.

[c]*Notn. No. 499, Judicial, dated 24th January 1880, B. G. G., 1880, Pt. I, p. 96.*

In all cases [ ] in which, under the provisions of paragraph 1 of Section 320 of the Code of Civil Procedure, the execution of certain decrees has been or may hereafter be transferred to the Collector, the Governor in Council is

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[a] See foot-note [a] on page 1006, *supra*.

[b—b] These words were substituted for the words "any person who earns his livelihood either wholly or principally by agriculture" by Govt. Notn. No. 5248, Judicial, dated 20th September 1907, *B. G. G.*, 1907, Pt. I, p. 1627.

[c] See foot-note [a] on page 1005, *supra*.

[d] See the Notifications at pages 1005—1007, *supra*.

pleased, in exercise of the powers conferred by paragraph 2 of the aforesaid section, and in supersession of the rules published under date the 16th December 1878, to prescribe the following rules for the transmission of such decrees from the Court to the Collector and for regulating the procedure of the Collector and his subordinates in executing the same, and for re-transmitting the said decrees from the Collector to the Court, namely :—

1. If the Court shall be satisfied that the decrees is one to which this notification applies, it shall cause a copy thereof to be forwarded to the Collector by post, or in such other manner as shall be most convenient.

[a]2. Along with the said copy the Court shall send—

(*a*) a statement showing the extent, if any, to which the decree has been already executed, and clearly setting forth what portion of the decree still remains to be satisfied ;

(*b*) a copy of the application for execution of the decree, and of the order, if any, made thereon for sale.

Note.—Copies of judgements should be sent only on requisition of the executing authority in any particular case or class of cases.

3. The aforesaid documents shall be prepared and transmitted to the Collector, free of all cost to the parties ; the copies, &c., being prepared by the Court's establishment.

4. On receipt of the decree and of the other documents mentioned in Rule 2, the Collector may either proceed to execute it himself, or may refer it for execution, subject to his supervision and control, to any of his subordinates not lower in rank than a Mahálkari.

5. The Collector, or the officer to whom the Collector so refers the decree, shall, without delay, appoint a day for hearing any representations which the parties or any of them may desire to make, as to the manner in which the decree should be executed, and shall cause a written notice to be served on each of the parties to the decree of the day so fixed, and shall also require the judgment-debtor to produce all title-deeds and other documents affecting the property in question which may be in his possession or power ; and shall, after such enquiry as he considers necessary, proceed according to the methods prescribed by Sections 321 to 325C of the Civil Procedure Code as may be appropriate to the nature of the case.

6. The Collector or other officer aforesaid may, from time to time, by similar written notices, require the attendance of the parties, to the decree, or any of them, for the purpose of ascertaining their wishes, or of obtaining any information which he may consider necessary to enable him to provide satisfactorily for the execution of the decree ; and if any party does not attend, in pursuance of any such notice, the Collector or other officer aforesaid shall decide the matter in his absence and he shall not afterwards be entitled to be heard with respect thereto.

[b]7. Every such notice and every notice which the Collector shall issue under Section 324 of the Code of Civil Procedure to the judgment-debtor or

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[a] This rule was substituted for Rule 2 by Govt. Notn. No. 1338, Judicial, dated 22nd February 1902, *B. G. G.*, 1092, Pt. I, p. 321.

[b] This rule was substituted for Rule 7 by Govt. Notn. No. 3132, Judicial, dated 8th May 1883, *B. G. G.*, 1883, Pt. I, p. 359.

his representative, may be served in the manner prescribed by Section 191 of the Bombay Land Revenue Code, or by forwarding the same to the Court to be served upon the pleader, if any, or the party to whom such notice is addressed.

Every other notice issued under these rules shall be served in the manner prescribed in Section 191 of the Bombay Land Revenue Code.

8. All orders which the Collector or other officer aforesaid shall pass in respect of the execution of the decree, or of the management or sale of the immoveable property of the judgment-debtor, shall be made in writing and shall be dated and signed by him; and a diary of his proceedings shall be kept in the language of the district, in the Form B at page 148 of the Circulars of the High Court of Bombay.

9. Previous to proceeding to sell any property, the Collector or other officer aforesaid shall, unless he has already proceeded under Section 322A or 322C, publish a notice in the language of the district, calling upon all persons having rights in, or charges or claims on, the said property or any part thereof, to submit on or before a date which shall be named in such notice, and which shall not be less than six weeks after the date of such notice, a statement of the right, charge or interest claimed, and to produce the documents, if any, on which such claims are based.

Such notice shall be published in the manner prescribed for the notice to be issued by the Collector under Section 322A [a] of the Code of Civil Procedure.

10. If, in the opinion of the Collector or other officer aforesaid any statement, so produced, is not sufficiently precise or clear; or if it shall appear to the Collector or such other officer that all the documents in the claimant's possession or power relating to the property to be sold, have not been produced, he may refuse to receive such statement, and may give or may not give, as he deems fit, time for the production of a fresh statement.

The Collector or other officer aforesaid shall peruse the documents of title which any such claimant produces; but such documents shall not, without a special order, the reasons for which must be recorded, be handed for perusal to any other person than the Collector or other officer aforesaid, and his clerk, reader or interpreter; and they shall after such perusal, be restored to the persons who have produced them with an endorsement signed by the Collector or other officer aforesaid on each, of the date on which and the purpose for which they were presented, and of the date of return and of the person to whom they are returned.

*[b] 11. Every sale of property shall be held before the Collector or other officer aforesaid or before any revenue officer not lower in rank than a Mahálkari's[c] first Kárkún specially nominated by the Collector or other officer aforesaid in this behalf.

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[a] The figures and letter "322A" were substituted for the figures and letter "323A" by Notn. No. 3132, Judicial, dated 8th May 1883, *B. G. G.*, 1883, Pt. I, p. 358.

[b] This rule was substituted for Rule 11 by Govt. Notn. No. 3132, Judicial, dated 8th May 1883, *B. G. G.*, 1883, Pt. I, p. 358.

[c] The word "Mahálkari's" was substituted for the word "Mámlatdár's" by Govt. Notn. No. 6437, Judicial, dated 17th September 1883, *B. G. G.*, 1883, Pt. I, p. 695.

* This rule is also modified by Govt. Notn. No. 1139-A, Judicial, dated 16th February 1880, printed at page 1011, *infra*.

Except as is otherwise provided by the Code of Civil Procedure, every such sale shall be proclaimed and held in the manner prescribed by the rules for the time being in force relating to the sale of immoveable property in realization of arrears of land revenue.

Every proclamation of any such sale shall contain, in addition to the particulars required by the said rules,—

(*a*) A list of all claims of which statements have been drawn up under Section 322B or Section 322C, or have been duly submitted and accepted by the Collector or other officer aforesaid under No. 10 of these rules, and which shall appear to the Collector or such other officer to be *primâ facie* honest and reasonable.

(*b*) A caution that no guarantee is given either of the judgment-debtor's title or of the validity of any of the rights, charges or interest claimed by third parties.

12. The Collector or other officer aforesaid shall retain the title-deeds and other documents produced by the judgment-debtor under Rule 5; and if the whole of the property to which they relate is sold, shall hand them over to the purchaser.

[a]12A. No holder of a decree in execution of which property is sold shall, without the express permission of the Collector or other officer aforesaid, bid for or purchase the property.

[b]* * * * *

[c]* * * * *

13. When any sale has been finally completed, the Collector or other officer aforesaid shall give to the purchaser a certificate of sale, as nearly as may be, in the Form No. 150 of Schedule IV of the Code of Civil Procedure.

14. When the property sold is in the occupancy of the judgment-debtor, or of any other person, and a certificate in respect thereof has been granted under the last preceeding rule, the Collector or other officer aforesaid shall, on application by the purchaser, order delivery to be made by putting the purchaser or any person whom he may appoint to receive delivery on his behalf in possession of the property; by proclaiming to the occupant by beat of drum, or in such other manner as may be customary, at some convenient place, that the interest of the judgment-debtor has been transferred to the purchaser; and, if need be, by removing any person who refuses to vacate the same.

15. When execution of the decree has been, as far as possible, completed, and the balance, if any, of all monies which have come to his hands, disposed of in accordance with the provisions of Section 324A of the Code

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[a] This rule was inserted by Govt. Notn. No. 3280, Judicial, dated 11th May 1885, *B. G. G.*, 1885, Pt. I, p. 631.

[b] Paragraph 2 of this rule was cancelled by Govt. Notn. No. 2899, Judicial, dated 29th May 1890, *B. G. G.*, 1890, Pt. I, p. 510.

[c] Paragraph 3 of this rule was cancelled by Govt. Notn. No. 3341*A*, Judicial, dated 18th May 1895, *B. G. G.*, 1895, Pt. I, p. 613.

of Civil Procedure, the Collector shall re-transmit the papers received by him under Rules 1 and 2, together with the execution proceedings, to the Court by post, or in such other manner as shall be most convenient.

[a] 16. The following powers are conferred on Collectors or such of their gazetted subordinates to whom a decree has or may hereafter be referred under Rule 4 :—

(1) The power referred to in Section 294 of the Code of Civil Procedure to grant express permission to the holder of a decree, in execution of which property is sold, to bid for or purchase the property: Provided that the Collector or other officer aforesaid, to whom an application for such permission may be made, shall not grant such permission unless the decree-holder—

(*a*) satisfies him that the application is made in good faith, and that the judgment-debtor is not a minor;

(*b*) undertakes that he will not himself or through any other person bid or purchase for a sum less than such amount as the Collector or other officer granting the permission, having regard to the fair market value of the interest to be sold, may determine, and that the permission shall be subject to this condition;

(*c*) agrees that if the decree-holder or any one on his behalf becomes the purchaser, the purchase-money shall be paid to the Collector or other officer executing the decree.

(2) The power referred to in paragraph 1 of Section 312, Civil Procedure Code, to pass an order confirming a sale if no application to set the sale aside has been made within the time limited by law,* or if every application so made has been disallowed.

* *Viz.* 30 days from the date of the sale, Art. 166, XV, 1887.

[a] 17. If any application to set aside a sale be made within the time limited by law to the Collector or other officer aforesaid, he shall refer the applicant to the Civil Court.

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[b] *Notn. No. 1139A, dated 16th February 1880, B. G. G., 1880, Pt. I, p. 214.*

In modification of No. 11 of the Rules made under paragraph 2 of Section 320 of the Civil Procedure Code and published in the *Bombay Government Gazette* of 29th January 1880, the Honourable the Governor in Council is pleased to direct that when the Collector proposes to sell in execution of a decree any immoveable property belonging to a Tálukdár, Thákur or other such person in the districts of Ahmedabad, Kaira and Broach, the proclamation of the sale of such property shall be published in the *Government Gazette.*

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[a] These rules—Nos. 16 and 17—were added by Govt. Notn. No. 92, Judicial, dated 8th January 1890, *B. G. G.*, 1890, Pt. I, p. 38.

[b] See foot-note [a] on page 1005, *supra.*

APPOINTING THE POLITICAL SUPERINTENDENT OF SAVANTVADI TO PROSECUTE OR DEFEND SUITS ON BEHALF OF THE SIR DESAI OF SAVANTVADI.

[a]*Notn. No. 6789, Political, dated 10th October 1889, B. G. G., 1889, Pt. I, p. 873.*

At the request of the Political Superintendent of Sávantvádi the said Political Superintendent is appointed by the Government of Bombay, under Section 432 of the Code of Civil Procedure, 1882, as amended by Act VII of 1887, to prosecute or defend any suit on behalf of the Sir Desai of Savantvádi.

AUTHORIZING THE GOVERNMENT OF BOMBAY AND ANY OF ITS SECRETARIES TO EXERCISE, WITH RESPECT TO CERTAIN PRINCES AND CHIEFS, THE FUNCTIONS SPECIFIED IN SUB-SECTIONS (1), (2) AND (3) OF SECTION 433 OF ACT XIV OF 1882.

[a]*Govt. of India, Foreign dept., Notn. No. 1503-I, dated 8th May 1896, republished in Govt. Notn. No. 3194, Political, dated 13th May 1896, B. G. G., 1896, Pt. I, p. 481.*

Under Section 433, sub-section (4), of the Code of Civil Procedure, and in supersession of the Notification of the Government of India in the Foreign Department, No. 2181-I., dated the 2nd July 1890, the Governor General in Council is pleased to authorise the Government of Bombay and any of the Secretaries to that Government to exercise with respect to the Chiefs below specified by their titular names the functions assigned by sub-sections (1), (2) and (3) of the said section to the Governor General in Council and a Secretary to the Government of India respectively:

Káthiáwár Agency.

His Highness the Nawab of Junágarh.
His Highness the Jam of Nawánagar.
His Highness the Thakur Sahib of Bhávnagar.
His Highness the Rana of Porbandar.
His Highness the Raj Sahib of Dhrángadra.
His Highness the Thakur Sahib of Morvi.
His Highness the Thakur Sahib of Gondal.
The Raj Sahib of Wánkáner.
The Thakur Sahib of Pálitána.
The Thakur Sahib of Dhrol.
The Thakur Sahib of Limbdi.
The Thakur Sahib of Rájkot.
The Thakur Sahib of Wadhwán.
The Thakur of Lakhtar.
The Thakur Sahib of Saila.
The Thakur of Chuda.
The Thakur of Wala.
The Chief of Jasdan.
The Chief of Manavada.
Azam Vala Lakshman Meram of Jetpur.

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[a] See foot-note [a] on page 1006, *supra*.

Vala Harsur Suraj, Talukdar of Kotda Pitha.
Khachar Champraj Mansur, Talukdar of Bhadli.
Khachar Bhan Matra, Talukdar of Kariana.
Khachar Rama Devait, Talukdar of Idria.
Khachar Rukhad Jasa, Talukdar of Vankia (Khambala).
Vala Hipa Nathu, shareholder of Jetpur.
Jadeja Harisingh Abhesingh, shareholder of Lodhika.
Jadeja Ratansingh Pathubhai, shareholder of Lodhika.
Jadeja Raisinghji Jijibhai, Talukdar of Khirasra.
Jadeja Verabhai Bhupatsinghji, Talukdar of Vadali.
Khachar Devait Luna, Talukdar of Kariana (Sitapur).
Khachar Mulu Bhoj, Talukdar of Kariana (Taivadar).

Kolhápur Agency.

His Highness the Raja of Kolhápur.
The Chief of Vishalgad.
The Chief of Bavda.
The Chief of Kágal (Senior).
The Ghorpade of Kapshi.
The Chief of Ichalkaranji.
The Sena Khaskhel of Torgal.
The Sarlashkar Bahadur of Kolhápur.
The Chief of Kágal (Junior).
The Himmat Bahadur of Kolhápur.

Southern Mahrátta Country Agency.

The Chief of Sángli.
The Chief of Miraj (Senior).
The Chief of Miraj (Junior).
The Chief of Kurundwád (Senior).
The Chief of Kurundwád (Junior) (1).
The Chief of Kurundwád (Junior) (2).
The Chief of Jamkhandi.
The Chief of Mudhol.
The Chief of Rámdurg.
The Jagirdar of Jath.
Ranibai Sahib Daphle, Deshmukh and Jagirdar of Daphlápur.

Rewa Kántha Agency.

His Highness the Raja of Rájpipla.
The Raja of Chhota Udepur.
The Raja of Bariya.
The Raja of Lunávada.
The Raja of Sunth.
The Babi of Bálásinor.
The Thakur of Kadana.
The Thakur of Sanjeli.
The Thakur of Bhadarwa.
The Thakur of Umetha.
The Rana of Mandwa.
The Thakur of Shanor.
The Thakur of Naswadi.

Azam Vala Suraj Ganga of Jetpur.
The Thakur of Lathi.
The Thakur of Muli.
The Thakur of Bajana.
The Thakur of Virpur.
The Thakur of Malia.
The Thakur of Kotda Sangani.
Azam Vala Naja Kala, shareholder of Jetpur-Bilkha.
The Talukdar of Patdi.
The Talukdar of Gidad.
The Talukdar of Vanod.
Azam Vala Godad Punja, shareholder of Jetpur.
Azam Vala Bawa Jivna, shareholder of Jetpur.
Azam Vala Ala Bhima, shareholder of Jetpur-Bilkha.
Azam Vala Ala Desa, shareholder of Jetpur-Hilkha.
Desai Keshavlal Pranjivan, shareholder of Vasavad.
The Talukdar of Mengni.
The Talukdar of Kotharia.
The Talukdar of Gavridad.
The Talukdar of Pal.
The Talukdar of Gadhka.
The Talukdar of Jalia Devni.
Khan Shri Rustam Khanji, shareholder of Bantva.
Azam Vala Harsur Lakshman, shareholder of Bagasra.
Jhala Chandrasinghji Bapubha, shareholder of Bhoika.
The Talukdar of Rai Sankli.
The Talukdar of Rajpur.
The Talukdar of Vadod.
Khachar Dada Jaita, shareholder of Chotila.
The Talukdar of Sanosra.
Khachar Mesur Visaman, shareholder of Anandpur.
Khachar Jethsur Mansur, shareholder of Anandpur.
Malik Jankan Zorawar Khan, shareholder of Dasada.
Khachar Harsur Naja, shareholder of Paliyad.
Vala Rukhad Gorkha, shareholder of Jetpur.
Vala Anand Valera and Giga Rana, shareholders of Jetpur.
Vala Dana Hamir, shareholder of Jetpur.
Vala Kala Bhan, shareholder of Jetpur.
Vala Loma Moka, shareholder of Jetpur.
Vala Bhima Valera, shareholder of Jetpur.
Vala Nag Hamir, shareholder of Jetpur.
Azam Jasvantrai Dulerai, Talukdar of Vichhavad.
Azam Narsinghprasad Hariprasad, Talukdar of Vichhavad.
Azam Bapubhai Jadavrai, Talukdar of Kuba.
Vala Vajsur Valera, shareholder of Bagasra.
Azam Kotila Bhan Bhim, shareholder of Dedan.
Jadeja Asaji Bhimji, Talukdar of Rajpara.
Jadeja Pratapsinghji Madhavsinghji, Talukdar of Bhadva.
Jadeja Bhupatsinghji Amarsinghji, Talukdar of Shapur.
Vala Loma Matra, Talukdar of Kotda Pitha.
Vala Deva Rukhad, Talukdar of Kotda Pitha.
Vala Bhoj Dosa, Talukdar of Kotda Pitha.
Vala Amra Ravat, Talukdar of Kotda Pitha.

The Thakur of Vajiria.
The Thakur of Uchad.
The Thakur of Virpur.
The Thakur of Sihora.
The Thakur of Chhaliar.
The Thakur of Gad.
The Thakur of Agar.

Kutch Agency.

His Highness the Rao of Kutch.
Jadeja Virsalji of Roha.
Jadeja Khanji Naronji of Chitrod.
Waghela Meghrajji Lakhaji of Palanswa.
Jadeja Modhji Devaji of Vandhia.
Jadeja Rawaji Lakhaji of Adesar.
Jadeja Hamirji Sahibji of Vinjhan.
Rana Sardarsinghji Meramanji of Gedi.
Jadeja Chandaji Prathirajji of Nagrecha
Jadeja Harbhamji Hardhoji of Vijpasar.
Jadeja Tejmalji Hamatsinghji of Kumbhardi.
Jadeja Dewaji Sumraji of Bada.
Jadeja Rajmalji Ajaji of Kera.
Jadeja Dansinghji Mathaji of Bambhadai.
Jadeja Khanji Dewaji of Jadodar.

Mahi Kántha Agency.

His Highness the Maharaja of Idar.
The Rao of Pol.
The Maharana of Danta.
The Rawal of Malpur.
The Thakur of Mohanpur.
The Rawal of Mansa.
The Thakur of Katosan.
The Thakur of Ilol.
The Thakur of Varsoda.
The Thakur of Pethapur.
The Thakur of Ranasan.
The Miyan of Punadra.
The Miyan of Khadal.
The Thakur of Ghodasar.
The Thakur of Amaliyara.
The Thakur of Valasna.
The Miyan of Dhaba.
The Thakur of Vasna.
The Thakur of Sudasna.
The Thakur of Rupal.
The Thakur of Dadhalia.
The Thakur of Vadagam.
The Thakur of Magodi.
The Thakur of Sathamba.
The Miyan of Ramas.
The Thakur of Bolandra.
The Thakur of Derol.

The Thakur of Khedawada.
The Thakur of Kadoli.
The Thakur of Vakhtapur.
The Thakur of Prempur.
The Thakur of Dedhrota.
The Thakur of Tajpuri.
The Thakur of Hapa.
The Thakur of Satlasna.
The Thakur of Bhalusna.
The Thakur of Likhi.
The Thakur of Hadol.
Thakur Malamsinghji, chief shareholder of Maguna.
Thakur Jethaji, shareholder of Tejpura.
Thakur Tejaji, shareholder of Tejpura.
The Thakur of Virsoda.
The Thakur of Palaj.
The Thakur of Deloli.
The Thakur of Kasalpura.
The Thakur of Mehmadpura.
The Thakur of Ijpura.
The Thakur of Rampura.
The Thakur of Ranipura.
The Thakur of Gabat.
The Thakur of Timba.
The Thakur of Umri.
The Jagirdar of Mota Kotharna.

APPOINTING THE COLLECTOR OF AHMEDABAD TO EXERCISE THE POWERS OF THE ADVOCATE-GENERAL, BOMBAY, UNDER SECTION 92, IN THE AHMEDABAD DISTRICT.

Notn. No. 6216A, Judicial, dated 20th November 1906, B. G. G., 1906, Pt. I, p. 1710.

The Governor in Council is pleased to appoint the Collector of Ahmedabad to exercise within the limits of the district of Ahmedabad the powers conferred on the Honourable the Advocate-General, Bombay, by Section 539 of the Code of Civil Procedure.

APPOINTING COLLECTORS AND DEPUTY COMMISSIONERS IN THE BOMBAY PRESIDENCY TO EXERCISE WITHIN THE LIMITS OF THEIR DISTRICTS THE POWERS CONFERRED ON THE ADVOCATE-GENERAL, BOMBAY, BY SECTION 92.

Notn. No. 61, Judicial, dated 7th January 1907, B. G. G., 1907, Pt. I, p. 36.

The Governor in Council is pleased to appoint all Collectors and Deputy Commissioners in the Bombay Presidency to exercise within the limits of their several districts, the powers conferred on the Advocate-General, Bombay, by Section 539 of the Civil Procedure Code.

RULES FOR THE MAINTENANCE AND CUSTODY OF LIVE-STOCK AND OTHER MOVEABLE PROPERTY WHILE UNDER ATTACHMENT BY ORDER OF A CIVIL COURT.

[a]*Notn. No. 2258, Judicial, dated 23rd April 1891, B. G. G., 1891, Pt. I, p. 354.*

The Governor in Council is pleased, under Section 269 of the Code of Civil Procedure, to make the following rules for the maintenance and custody of live-stock and other moveable property while under attachment:—

1. All live-stock and other moveable property attached under Section 269 of the Code of Civil Procedure shall ordinarily be removed and conveyed by the attaching officer, or by his subordinates, or by persons specially engaged by him for the purpose, to the Court premises or other appointed place and there kept under due custody till sold, or otherwise disposed of according to law.

2. In cases where it is found more convenient so to do, the property may be handed over to the judgment-creditor, under proper security, for removal and conveyance to the Court premises, or other appointed place, for the purpose specified in Rule 1.

3. When the property is of such a nature that, in the opinion of the attaching officer, or his subordinate, its removal to the Court premises, or other appointed place, is impracticable, or can only be effected at a cost out of proportion to its value, the attaching officer shall report his opinion to the Court and, pending receipt of the order of the Court, shall arrange for its proper maintenance, guarding and custody at the place at which it has been attached.

4. The Court, on receipt of such a report as is mentioned in Rule 3, may either order the removal of the property to the Court premises, or other appointed place, or sanction its detention at the place at which it has been attached or elsewhere, under such provisions as to its maintenance, guarding and custody as it thinks fit.

5. Before making any order for the attachment of live-stock, or other moveable property, or at any time after any such order has been passed, the Court may require the person, at whose instance the order of attachment is sought, or has been made, to deposit in Court such sum of money as the Court may consider necessary—

(*a*) For the removal of the property to the Court premises, or other appointed place, and its maintenance, guarding and custody till arrival thereat.

(*b*) For the maintenance, guarding and custody of the property at the Court premises or other appointed place, till it is sold or otherwise disposed of.

(*c*) For the maintenance, guarding and custody of property at the place at which it was attached, or elsewhere.

In case of failure to deposit such sum within the time required by the Court, the Court may either refuse to issue, or may cancel, the order of attachment, as the case may be.

[a] See foot-note [a] on page 1006, *supra*.

6. An account of the expenses actually incurred shall, on demand being made on or before the date of the sale, be furnished to the attaching creditor and to the person whose property was attached, and the amount that the Court, after hearing their objections to the account, if any, made within 3 days after furnishing the same, finds to be properly due, shall be deducted as a first charge from the proceeds of the sale of the property and paid to the attaching creditor along with any balance that there may be of the deposit.

7. If, in consequence of the cancellation of the order of attachment, or for any other reason, the person whose property has been attached becomes entitled to receive back the live-stock, or other property attached, it shall be given to him on payment of all charges found by the Court to have been properly incurred which have not been defrayed, or for the defrayal of which no money has been deposited, by the attaching creditor, and, in default of his paying the same within the time prescribed by the Court, the property, or so much thereof as may be necessary, shall be sold by auction, and, after defraying the abovementioned charges and the expenses of the sale, the balance of the sale-proceeds and of the property shall be delivered to him.

LANGUAGE OF THE DISTRICT AND SESSIONS COURT OF SHOLÁPUR-BIJÁPUR.

[a] *Notn. No. 1315, Judicial, dated 21st February 1884, B. G. G., 1884, Pt. I, p. 161.*

Under Section 645 of the Civil Procedure Code, and Section 556 of the Criminal Procedure Code, His Excellency the Governor in Council is pleased to direct that in respect of cases arising in the revenue district of Sholápur the language of the District and Sessions Court of Sholápur-Bijápur shall be Maráthi, and in respect of cases originating in the Kaládgi (hereafter to be called the Bijápur) revenue district, its language shall be Kánarese.

EMPOWERING DISTRICT COURTS TO APPOINT OFFICERS TO ADMINISTER OATHS TO DECLARANTS FOR THE PURPOSE OF AFFIDAVITS IN THE DISTRICT AND SUBORDINATE COURTS.

[b] *Judicial Notn., dated 12th October 1877, B. G. G., 1877, Pt. I, p. 908.*

Under the provisions of Clause C of Section 197 of the Code of Civil Procedure, 1877, the Honourable the Governor in Council is pleased generally to empower District Courts to appoint officers to administer oaths to declarants for the purpose of affidavits in the District Courts and the Courts subordinate to the District Courts within the meaning of Section 2 of the Code.

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[a] This Notification, issued under Act XIV of 1882, is kept in force by Act V of 1908, Section 157.

[b] See foot-note [a] on page 1005, *supra*.

APPOINTING THE SHIRÁSTEDÁR OF DEPUTY COMMISSIONER, THAR AND PÁRKAR, TO PERFORM IN CERTAIN COURTS THE FUNCTIONS IMPOSED BY CHAPTER XXVI OF THE CODE OF CIVIL PROCEDURE ON THE GOVERNMENT PLEADER.

[a] *Notn. No. 1404, Judicial, dated 22nd February 1894, B. G. G., 1894, Pt. I, p. 175.*

In supersession of the notification noted in the margin, the Governor in Council is pleased to appoint the Shirastedár of the Deputy Commissioner, Thar and Párkar, for the time being, to perform in the undermentioned Courts the functions imposed by Chapter XXVI of the Code of Civil Procedure on the Government Pleader, that is to say—

No. 6553, dated the 17th October 1893, published in the *Bombay Government Gazette* for 1893, Part I, page 1006.

The Civil Court of the Assistant Collector, Nára Valley.

The Courts of the Mukhtiárkars of Umarkot, Khipra and Sanghar.

The Courts of the Head Munshi of Umarkot, Khipra and Sanghar.

The Court of the Deputy Commissioner, Thar and Párkar.

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[a] This Notification, issued under Act XIV of 1882, is kept in force by Act V of 1908, s. 157.

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